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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,307	02/19/2004	Jerry Randall Rue	20630.001	7634
42922	7590	12/30/2005		
WHITAKER, CHALK, SWINDLE & SAWYER, LLP 3500 CITY CENTER TOWER II 301 COMMERCE STREET FORT WORTH, TX 76102-4186			EXAMINER LANDRUM, EDWARD F	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Pat

<b>Office Action Summary</b>	<b>Application No.</b> 10/782,307	<b>Applicant(s)</b> RUE, JERRY RANDALL	
	<b>Examiner</b> Edward F. Landrum	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) 5-12, 19, 20, 23, 25, 26, 28 and 35-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 13-18, 21, 22, 24, 27 and 29-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/19/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of claims 1-4, 13-18, 21, 22, 24, 27, and 29-34 in the reply filed on 10/24/2005 is acknowledged.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the work surface formed from a thin sheet of rigid material, the non-circular shaped mounting holes in the mounting plate to hold the motor mount, the quick release mechanism used to hold the motor mount to the mounting plate, and the internal workings of the quick release mechanism including the hand-operated locking device must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. The abstract of the disclosure is objected to because of the use of legal phraseology such as "means". Also, please remove any information not related to the claimed invention. Correction is required. See MPEP § 608.01(b).
4. The disclosure is objected to because of the following informalities: "To" on line 26 of page 10 should not be capitalized. "Skiis" in line 6 of page 16 should be spelled -- skis--. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 4, 13, 15, 27, and 29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Applicant never describes how the angle of reciprocation can be adjusted, it is only stated that the angle can vary (pg 12, lines 17-20), and if necessary can be zero

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degrees (pg 18, lines 9-12). How can the angle of the blade be adjustable when there does not seem to be any adjustable parts?

Applicant does not disclose how to use the pivoting mounting hole and the three non-circular mounting holes. Nor does the applicant describe their purpose. How do you use these with respect to the work surface and the saw? What is their purpose?

Applicant does not disclose a quick release mechanism associated between a motor mount and a mounting plate. Rather the applicant discloses the use of a quick release mechanism between a mounting plate and a compact motor assembly (pg 9, lines 19-26), which is not the same as the mounting plate found in claim 2. How does the quick release mechanism fit into the mounting plate without obstructing the blade?

Applicant does not disclose the foot/shoe relationship of the quick release mechanism, nor does the Applicant disclose the hand-operated locking device associated with the quick release mechanism. Where is the hand operated locking device on the worktable? How can a user reach it?

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 13 recites the limitation "the first and second rails" in line 4. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 33 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not understood what is being placed at a predetermined angle relative to the first side of the worktable.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-4, 13-15, 17, 18, 21, 22, 24, and 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stone (U.S Patent No. 4,186,784) in view of McCoubrey (U.S Patent No. 4,458,569) in further view of Bednar (U.S Patent No. 5,724,741).

Stone teaches (see Figures 1, 3, 5, and 6) a worktable with a mounting plate (72) disposed in the middle of the worktable where the mounting plate is generally coplanar with the work surface of the worktable and having an elongated blade opening centrally disposed in the mounting plate. The table is designed with the ability to hold a plurality of different tools (Col. 1, lines 25-27) with one or more machine screws, and has an additional work surface (20) placed on top of the table (Col. 2, lines 11-15) that has a hole in it for the saw blade. The mounting plate, composed of heavy gauge steel (Col. 3, lines 61-63), comprises a plurality of mounting holes (see Figure 5) for attachment of a motor mount to the mounting plate's underside. One of these mounting holes can be defined as a pivot point because many of mounting holes allow for adjustment of the motor mount with respect to the mounting plate.

McCoubrey teaches (see Figure 1) a worktable with the ability to hold a motor vertically with respect to the top surface of the worktable. Furthermore, McCoubrey teaches angling a saw towards a work piece (see Figure 2) and the ability to vary the angle using a sliding mechanism (27 and 27b).

Bednar teaches (see Figures 1 and 2) a reciprocating saw with an elongate blade (18) attached to the motor by a clamping mechanism (22) and having a shoe (24, 26, 54, 58, and 64) that can be pivoted (38). The shoe has two faces; the first face (24) has an elongate blade opening for the saw blade; the second face (26, 54, 58, and 64) is adapted to attach (Col. 3, lines 58-67; Col. 4, lines 1-6) to the saw motor housing (12). The shoe is designed to enclose the blade clamping mechanism (22) and allow the blade clamping mechanism (22) to reciprocate.

It would have been obvious to have modified Stone to incorporate the teachings of McCoubrey and Bednar and mount a reciprocating saw vertically with respect to a work table. A reciprocating saw is generally more powerful than a jig saw and can handle larger pieces of work. A reciprocating saw would also be safer than a vertically mounted chainsaw, and is composed of less moving parts that could be affected or jammed by a material being cut. The shoe of the reciprocating saw could act as a motor mount and be attached to the underside of the mounting plate. Furthermore cutting at an angle with respect to the work piece is old and well known, and although McCoubrey does not explicitly teach using a four degree angle that can vary plus or minus four degrees, the device of McCoubrey is capable of being adjusted to and

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cutting at four degrees relative to the normal of the first side of the work table, and it would have been obvious to incorporate this design into the modified device of Stone.

Although Stone does not teach attaching the work surface by individual fasteners to first and second side rails Stone does teach attaching the work surface to the top of the work table (Col. 2, lines 11-15). The attachment means are equivalent and therefore one of routine skill in the art would have no problem exchanging one with the other.

Regarding Claim 18, the modified device of Stone does not specifically teach that the work table could support a work piece at least four feet wide, the examiner takes official notice that it would have been obvious to create a work surface for a table that was capable of holding a material it was specifically designed to cut.

Regarding claims 21, and 24, a reciprocating output shaft having a reciprocating stroke of at least one-half inch is old and well known in the cutting art as stated by Applicant in the disclosure (pg 8, line 15). Furthermore, the use of a rotating collar mechanism for a blade clamping means is old in well known in the cutting art as stated by Applicant in the disclosure (pg 9, line 1).

12. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified device of Stone, as stated in section 11, in view of Smith (U.S Patent No. 6,520,224).

The modified device of Stone teaches all of the elements of the current invention as stated above except for the use of flat head screws for securing the motor mount to the mounting plate.



Smith teaches (see Figure 2) the use of flat head screws in attaching a motor mount to a mounting plate.

It would have been obvious to have modified the modified device of Stone to incorporate the teachings of Smith to use flat head screws to attach the motor mount to the mounting plate if flat head screws were needed to keep a work surface flat and free of projections.

13. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified device of Stone, as stated in section 11, in view of Giannetti (U.S Patent No. 5,214,989).

The modified device of Stone teaches all of the elements of the current invention as stated above except for the use of a quick release mechanism to attach the mounting plate to the motor mount.

Giannetti teaches (see Figure 1) the use of a quick release mechanism for the easy change of tools used on a machining apparatus.

It would have been obvious to have modified the modified device of Stone to incorporate the teachings of Giannetti and use a quick release mechanism, adaptable to the mounting plate, to decrease the time necessary to change tools needed on the work table, thereby increasing the overall utility of the table.

14. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified device of Stone, as stated in section 13, in view of Taylor et al (U.S Patent No. 4,708,548), hereinafter Taylor.

The modified device of Stone teaches all of the elements of the current invention as stated above except for the quick release mechanism having a foot/shoe relationship and having a hand-operated locking device to lock the foot in the shoe.

Taylor teaches (Col. 2, lines 41-61) a spring-biased locking mechanism used for placing the collar (5) in a locked position to lock the foot (2) within the shoe (1).

It would have been obvious to have modified the modified device of Stone to incorporate the teachings of Taylor to make the quick release mechanism be a foot/shoe lock. A foot/shoe quick release mechanism would be less obtrusive and lighter than a standard quick release post therefore making the entire apparatus lighter and easier to carry.

### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hedrick (U.S Patent No. 5,289,861), Miller (U.S Patent No. 5,398,740), and Keller (U.S Patent No. 4,483,573) teach mounting plates for saws. Keith-Lucas (U.S Design Patent No. 471,782), and Schmitz (U.S Patent No. 6,138,364) teach variable angle reciprocating saws. Mattchen (U.S Patent No. 4,106,181) teaches a hand-operated quick release mechanism.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EFL

12/22/2005

  
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